IN THE HIGH COURTOF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4054 OF 2003
(FOR MODIFICATION)
IN
CRIMINAL APPEAL NO.2624 OF 2003

The State of Maharashtra ..Applicant

Vs.

Mustafa Hussain Jaffer Sayyer ..Respondent

Mr.A.M.Shringarpure, A.P.P. for Applicant State

Mr.Amin Solkar for the Respondent

CORAM: V.M. KANADE,J.
DATED: 16TH DECEMBER, 2004

P.C.

1. Heard learned Counsel appearing on behalf of the applicant and the learned Counsel for the respondent. This application has been filed seeking modification of the order passed by this Court dated 28th July, 2003. By the said order this Court had permitted the respondent to examine the witness Ms. Nilophar as a defence witness. In this application it is submitted that the said order to be modified on various grounds. I am unable to accept the submission made by the learned Counsel appearing on behalf of the applicant, Section 362 of the Code of Criminal Procedure specifically lays down that once a final order is passed it shall not be reviewed or modified by the same Court except in case of a clerical or arithmetical error. Section 362 reads

as under :-

> . " 362. Court not to alter judgment- Save as otherwise provided by this Code or by any other law for the time being in force, no Court, when it has signed its judgment or final order disposing of a case, shall alter or review the same except to correct a clerical or arithmetical error."

2. In view of the above provisions it is not possible to modify or review the earlier order. Hence, the application for modification is rejected.

JUDGE